



ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPP-2009-1017; FRL-9336-4]

Notice of Receipt of Requests to Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before *[insert date 30 days after date of publication in the Federal Register]*

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2009-1017, by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- *Mail:* Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001.

Submit written withdrawal request by mail to: Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. ATTN: Jolene Trujillo

- *Delivery:* OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket Facility's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket Facility telephone number is (703) 305-5805.

Instructions: Direct your comments to docket ID number EPA-HQ-OPP-2009-1017. EPA's policy is that all comments received will be included in the docket without change and may be made available online at <http://www.regulations.gov>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or email. The regulations.gov website is an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to EPA without going through regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your

comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the docket are listed in the docket index available at <http://www.regulations.gov>. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at <http://www.regulations.gov>, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305-5805.

FOR FURTHER INFORMATION CONTACT: Jolene Trujillo, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001; telephone number: (703) 347-0103; email address: trujillo.jolene@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale,

distribution, or use of pesticides. If you have any questions regarding the information in this notice, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What Should I Consider as I Prepare My Comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

- v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- vi. Provide specific examples to illustrate your concerns and suggest alternatives.
- vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- viii. Make sure to submit your comments by the comment period deadline identified.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of requests from registrants to cancel 40 pesticide products registered under FIFRA section 3 or 24(c). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Tables 1, 2, and 3 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue orders in the **Federal Register** canceling all of the affected registrations.

Table 1.--Registrations with Pending Requests for Cancellation

Registration No.	Product Name	Chemical Name
004787-00060	Cheminova Fipronil Technical	Fipronil
005481-00279	PCNB 75% Wettable Powder	Pentachloronitrobenzene
005481-00419	PCNB 75W Turf and Ornamental Soil Fungicide	Pentachloronitrobenzene
005481-00438	80% PCNB	Pentachloronitrobenzene
005481-00441	PCNB 75 DG	Pentachloronitrobenzene
005481-00453	PCNB 75 WSP	Pentachloronitrobenzene

005481-00457	Turfpro WSP Turf & Ornamental Soil Fungicide	Pentachloronitrobenzene
005481-08981	Terrachlor 75% Wettable Powder	Pentachloronitrobenzene
005481-08983	Terrachlor Technical	Pentachloronitrobenzene
005481-08990	Terrachlor 90% Dust Concentrate	Pentachloronitrobenzene
005481-08996	Terrazan PCNB Technical 99%	Pentachloronitrobenzene
005481-08999	Terrachlor Technical 96	Pentachloronitrobenzene
005481-09034	Gustafson Terrachlor 80% Dust Concentrate	Pentachloronitrobenzene
005481-09036	RTU PCNB Seed Protectant	Pentachloronitrobenzene
005481-09037	Gustafson Apron-Terrachlor Dust Seed Treatment	Pentachloronitrobenzene Metalaxyl
005481-09038	Terra-Coat WP	Pentachloronitrobenzene
005905-00497	5 lb. Dimethoate Systemic Insecticide	Dimethoate
006836-00159	LFQ-30	Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride)
009444-00170	CB-38-2 For Insect Control	Pyrethrins, Piperonyl Butoxide
010807-00101	Repco-Tox Space Spray Insecticide	Resmethrin
010807-00107	Fog Kill Oil Base Insecticide	Resmethrin
010807-00110	Aqua-Kill Insecticide	Resmethrin
028293-00160	Unicorn House and Carpet Spray 11	Phenothrin, Tetramethrin
066222-00026	Pramitol 2.5% Liquid Vegetation Killer	Prometon
067760-00107	Rhyme TC Termiticide/Insecticide	Fipronil

082542-00019	Technical Propiconazole	Propiconazole
082542-00020	Propiconazole 41.8% EC Fungicide	Propiconazole
083851-00016	Amitide Imazapyr Technical 98%	Imazapyr
086068-00001	Texcan Glyphosate Technical	Glyphosate
086068-00002	Texcan 62% Glyphosate MUP	Glyphosate- isopropylammonium

Table 2.--Registrations Containing Fenarimol with Pending Requests for Cancellation

Registration No.	Product Name	Chemical Name
010163-00273	Rubigan E.C.	Fenarimol
010163-00274	Rubigan A.S. Turf and Ornamental	Fenarimol
010163-00275	Rubigan A.S.	Fenarimol
010163-00276	Rubigan Technical	Fenarimol
010163-00290	Riverdale Patchwork	Fenarimol
010163-00302	Fenarimol Technical	Fenarimol
OR030037	Rubigan E.C.	Fenarimol

Table 3.--Registrations Containing Chloroneb with Pending Requests for Cancellation

Registration No.	Product Name	Chemical Name
002217-00692	Gordon's Professional Turf Products Teremec SP Turf Fungicide	Chloroneb
009198-00182	Andersons Golf Products Fungicide V	Chloroneb
009198-00204	Andersons Golf Products Fungicide IX	Chloroneb, Thiophanate- methyl

Table 4 of this unit includes the names and addresses of record for all registrants of the products in Tables 1, 2, and 3 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

Table 4.--Registrants Requesting Voluntary Cancellation

EPA Company Number	Company Name and Address
2217	PBI/Gordon Corp. 1217 West 12th St. P.O. Box 014090 Kansas City, MI 64101
4787	Cheminova A/S Agent: Cheminova, Inc. 1600 Wilson Blvd., Suite 700 Arlington, VA 22209
5481	Amvac Chemical Corporation 4695 MacArthur Ct. Suite 1200 Newport Beach, CA 92660-1706
5905	Helena Chemical Co. Agent Helena Products Group 7664 Smythe Farm Rd. Memphis, TN 38120
6836	Lonza Inc. 90 Boroline Rd. Allendale, NJ 07401
9198	The Andersons Lawn Fertilizer Division Inc. 521 Illinois Ave. P.O. Box 119 Maumee, OH 43537
9444	Waterbury Companies Inc. Agent: FMC Corporation 1101 Penn. Ave. NW., Suite 325 Washington, DC 20004
10163; OR030037	Gowan Company P.O. Box 5569 Yuma, AZ 85366

10807	Amrep Inc. 990 Industrial Park Dr. Marietta, GA 30062
28293	Phaeton Corporation Agent: Registrations By Design Inc. P.O. Box 1019 Salem, VA 24153
66222	Makhteshim-Agan of North America Inc. Agent: Pyxis Regulatory Consulting, Inc. 4110 136th St. NW., Gig Harbor, WA 98332
67760	Cheminova, Inc. Agent: Cheminova, Inc. 1600 Wilson Blvd. Suite 700 Arlington, VA 22209
82542	Source Dynamics LLC. 10039 E. Troon North Dr. Scottsdale, AZ 85262
83851	Amitide, LLC 21 Hubble Irvine, CA 92618
86068	Texcan Investments & Marketing Company Inc. Agent: Pyxis Regulatory Consulting, Inc. 4110 136th St., NW. Gig Harbor, WA 98332

III. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be cancelled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires

that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or
2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 4 of Unit II. have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Tables 1, 2, and 3 of Unit II., EPA will allow existing stocks provisions as follows:

A. Registrations Listed in Table 1 of Unit II

The Agency anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled products.

B. Registrations Listed in Table 2 of Unit II

The effective date of cancellation of these products is July 31, 2013. The registrants will be allowed to sell and distribute existing stocks of products containing Fenarimol until July 31, 2013. Thereafter, registrants will be prohibited from selling or distributing these pesticide products, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than the registrant will be allowed to sell and distribute existing stocks through July 31, 2015. After this date, remaining existing stocks of products containing Fenarimol labeled for all uses, already in the hands of users may be used until exhausted, provided that such use complies with the EPA-approved label and labeling of the product.

C. Registrations Listed in Table 3 of Unit II. Except No. 002217-00692

The registrant will be allowed to sell and distribute existing stocks until December 31, 2013. Thereafter, registrants will be prohibited from selling or distributing these

pesticide products, except for export consistent with FIFRA section 17 or for proper disposal.

Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled products.

D. Registration No. 002217-00692

The effective date of cancellation of this product is December 31, 2013. The registrant may continue to sell or distribute existing stocks of chloroneb for one year from the date of the cancellation. Thereafter, registrants will be prohibited from selling or distributing this pesticide product, except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the cancelled products.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: February 8, 2012

Michael Goodis,

Acting Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

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